

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

ORDER OF RESTITUTION

– against –

Crim. Dkt. No. 17-372 (No. 15) (JS)

ROBERT GILBERT,

Defendant.

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WHEREAS, defendant ROBERT GILBERT was sentenced on May 6, 2022, in the above-captioned case,

1. This Order of Restitution will be incorporated by reference to the Judgment and Commitment Order to be filed in connection with the above-captioned case.

2. The defendant is directed to pay restitution to the victims named, and in the amounts listed in Exhibit A to this Order. Exhibit A shall be kept under seal until further order of this Court except that appropriate personnel of the Clerk's Office and the United States Attorney's Office shall have immediate access to it in order to make the distribution required by this Order.

3. Restitution is due immediately; subject to immediate enforcement in its entirety by the United States; and payable at the rate of 10% of the defendant's gross monthly income, earned and/or unearned from all sources, in monthly payments. The total restitution amount to be paid is \$3,865,354.03, plus interest. See 18 U.S.C. § 3612(f). Monthly payments shall be made to the Clerk of the Court, United States District Court, 225 Cadman Plaza East, Brooklyn, New York 11201. The payment instrument shall reference the case name and number, as set forth above.

4. The defendant shall pay interest on any fine or restitution of more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of the judgment, unless waived or modified by the Court. See 18 U.S.C. § 3612(f).

5. The defendant shall notify the Court and the Financial Litigation Unit of the United States Attorney's Office, Eastern District of New York of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay restitution. See 18 U.S.C. § 3664(k).

6. The restitution imposed is a lien in favor of the United States on all property and rights to property of the person fined as if the liability of the person fined were a liability for a tax assessed under the Internal Revenue Code of 1986. The lien arises on the entry of judgment and continues for 20 years or until the liability is satisfied, remitted¹, set aside, or is terminated under subsection 18 U.S.C. § 3613(b). See 18 U.S.C. § 3613(c).

7. The defendant is jointly and severally liable for \$3,865,354.03 of the restitution judgment, representing losses to victims associated with the stock of Hydrocarb Energy Corporation ("HECC"), with Lawrence Isen, Michael Watts, Robert Gleckman, Erik Matz, Ronald Hardy, Brian Heepke, Dennis Verderosa, Emin Cohen, Paul Ewer, McArthur Jean, Ashley Antos and Sergio Ramirez, defendants in United States v. Chartier, et al., Criminal Docket No. 17-372 (JS) (E.D.N.Y.), and with Janine Acosta, the defendant in United States v. Acosta, Criminal Docket No. 18-259 (JS) (E.D.N.Y.), all of whom also caused the losses to victims in connection with HECC shares.

8. The Clerk is directed to distribute restitution payments pro rata to the victims at least once per year to the extent funds are available to distribute. The United States Department of Probation and the United States Attorney's Office are directed to provide to the

¹ Remission is applicable to fines only.

Clerk whatever assistance is necessary to assure prompt distribution of restitution payments.

The Clerk is directed to mail a copy of the instant document and the attachment to the Criminal Assistant assigned to the instant case and the Financial Litigation Unit of the United States Attorney's Office of the Eastern District of New York.

Dated: Central Islip, New York
May __, 2022

HONORABLE JOANNA SEYBERT
UNITED STATES DISTRICT JUDGE